

DIRECTING THE SECRETARY OF THE ARMY OR HIS DESIGNEE TO
CONVEY A 3-ACRE TRACT OF LAND SITUATED ABOUT 6 MILES
SOUTH OF THE CITY OF SAN ANTONIO, IN BEXAR COUNTY,
TEX., TO THE STATE OF TEXAS

JUNE 18, 1956.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. DURHAM, from the Committee on Armed Services,
submitted the following

REPORT

[To accompany H. R. 9081]

The Committee on Armed Services, to whom was referred the bill
(H. R. 9081) to direct the Secretary of the Army or his designee to
convey a 2.915-acre tract of land situated about 6 miles south of the
city of San Antonio, in Bexar County, Tex., to the State of Texas,
having considered the same, report favorably thereon with amend-
ments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 3, line 20, insert a period following the word "beginning" and
strike the remainder of line 20 and all of line 21.

Page 4, lines 2 and 3, strike the words "and Air National Guard".
Amend the title so as to read:

To direct the Secretary of the Army or his designee to con-
vey a 3-acre tract of land situated about 6 miles south of the
city of San Antonio, in Bexar County, Tex., to the State of
Texas.

EXPLANATION OF THE AMENDMENTS

The first amendment (p. 3, lines 20 and 21) was made in order that
the bill might include the 0.085-acre over which the Texas State
Highway Department was authorized by the Secretary of Agriculture
in 1937 to widen State Highway No. 9.

The second amendment (p. 4, lines 2 and 3) was made in order to
conform the bill to the actual use to which the land will be put i. e.,
for the construction of a National Guard Armory.

The amendment to the title was made necessary for the reasons set out in the explanation of the first amendment above.

PURPOSE OF THE BILL

The purpose of the bill is to authorize the Secretary of the Army or his designee to convey the former Department of Agriculture nursery site near San Antonio, Bexar County, Tex., to the State of Texas for the training of the National Guard and for other military purposes, the conveyance to be without monetary consideration therefor but on condition that the property shall be used for these purposes, and subject to certain reservations including the reservation of mineral rights and the right of reentry and use during a national emergency.

BACKGROUND OF THE BILL

The 3 acres of land described in the bill were purchased in 1915 to provide a site for establishment of a Department of Agriculture nursery. In 1954 the Department of Agriculture determined that the property was excess to its needs and in October 1955, the Department of Agriculture, acting under instructions received from the General Services Administration, transferred the property to the Department of the Army. The Department of the Army has authorized the National Guard of Texas, which needs the site for the construction of a National Guard armory, to use the property. The Department of the Army obtained this excess property by transfer in order to support the requirements of the National Guard of Texas

NECESSITY FOR THE LEGISLATION

In the exercise of its constitutional power to regulate the disposal of Federal property, the Congress by general legislation has provided for maximum utilization of federally owned property and has provided generally and specifically for disposal of surplus property. The principal statute of this subject is the Federal Property and Administrative Services Act, Public Law 152, 81st Congress, as amended. Provisions have been made for transfers of surplus Government-owned property, both real and personal, to States, political subdivisions, and tax-supported or nonprofit institutions for health and educational purposes. Section 203 (k) of the Federal Property and Administrative Services Act, as amended, in effect authorizes these transfers without consideration by providing public-benefit allowances of up to 100 percent. Provisions are made for transfers, without compensation to the Government, of surplus realty for historic-monument purposes (50 U. S. C. App. 1622h). States or political subdivisions are given a public-benefit allowance of 50 percent of the fair value with respect to transfers of surplus realty for park and recreational use (Public Law 616, 80th Cong.). Statutory provisions are made for transfer without monetary consideration of surplus, Government-owned airport property to States or political subdivisions for public airport use (50 U. S. C. 1622).

No general provision of law now in effect authorizes the transfer of surplus Government-owned real property to States for National Guard purposes. Nevertheless, the Congress has by separate law authorized many conveyances of federally owned realty to the various

States to be used for National Guard purposes. With rare exceptions, these laws have provided that the transfers pursuant thereto would be subject to reservations of Federal use during national emergencies and were conditioned on automatic reversion in the event of nonuse for National Guard or other military purposes.

FISCAL DATA

Enactment into law of this measure will not involve the expenditure of any Federal funds.

DEPARTMENTAL DATA

Neither the Department of the Army nor the Bureau of the Budget has any objection to this bill as is evidenced by the letter dated June 7, 1956, from Secretary of the Army Wilber M. Brucker which is set out below and made a part of this report.

DEPARTMENT OF THE ARMY,
Washington, D. C., June 7, 1956.

HON. CARL VINSON,
*Chairman, Committee on Armed Services,
House of Representatives.*

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to H. R. 9081, 84th Congress, a bill to direct the Secretary of the Army or his designee to convey a 2⁹¹⁵/₁₀₀₀-acre tract of land situated about 6 miles south of the city of San Antonio, in Bexar County, Tex., to the State of Texas. The Secretary of Defense has delegated to the Department of the Army the responsibility for expressing the views of the Department of Defense thereon.

The purpose of the bill is to authorize the Secretary of the Army or his designee to convey the former Department of Agriculture nursery site near San Antonio, Bexar County, Tex., to the State of Texas for the training of the National Guard and Air National Guard and for other military purposes, the conveyance to be without monetary consideration therefor but on condition that the property shall be used for these purposes, and subject to certain reservations including the reservation of mineral rights and the right to reentry and use during a national emergency.

The Department of the Army on behalf of the Department of Defense interposes no objection to the above-mentioned bill but recommends that it be amended in the manner set forth in this report.

The 3 acres of land described in the bill were purchased in 1915 to provide a site for establishment of a Department of Agriculture nursery. In 1954 the Department of Agriculture determined that the property was excess to its needs and in October 1955, the Department of Agriculture, acting under instructions received from the General Services Administration, transferred the property to the Department of the Army. The Department of the Army has authorized the National Guard of Texas, which needs the site for the construction of a National Guard armory, to use the property.

The Department of the Army obtained this excess property by transfer in order to support the requirements of the National Guard of Texas. Therefore, the Department of the Army favors the enact-

ment of this measure. However, in order to provide for the conveyance of the entire 3 acres to the State of Texas, including the 0.085 acre over which the Texas State Highway Department was authorized by the Secretary of Agriculture in 1937 to widen State Highway No. 9, it is recommended that the title of the bill be amended to read:

"To direct the Secretary of the Army or his designee to convey a 3-acre tract of land situated about 6 miles south of the city of San Antonio, in Bexar County, Tex., to the State of Texas."

In furtherance of this objective, it is recommended that a period be substituted for the comma in line 20, page 3 of the bill, and that the remainder of line 20 and line 21 be deleted.

It is further recommended that the phrase "and Air National Guard" appearing on lines 2 and 3, page 4 be deleted. Present requirements do not contemplate Air National Guard use of the land or the armory to be constructed thereon.

Enactment of this measure will not involve the expenditure of any Department of Defense funds.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.

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